



annuity on James D. Uselton (the “*Annuitant*”) that called for the payment of monthly benefits. Uselton can not admit to the terms, or length, of the payments as those are not within her knowledge.

***Parties***

2. Defendant admits the statement in paragraph 2 of *Plaintiff's Original Complaint*.
3. Defendant admits the statement In paragraph 3 of *Plaintiff's Original Complaint*

***Jurisdiction***

4. Defendant admits the Court has jurisdiction over this matter.

***Operative Facts***

6. Defendant admits the statements in paragraph 6.
7. Defendant admits to the statements in paragraph 7.
8. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 8 and can neither admit nor deny such allegations.
9. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 9 and can neither admit nor deny such allegations.
10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 10 and can neither admit nor deny such allegations.
11. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 11 and can neither admit nor deny such allegations.
12. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 12 and can neither admit nor deny such allegations.
13. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 13 and can neither admit nor deny such allegations.

14. Defendant admits Plaintiff has made a demand upon Defendant.

**Causes Of Action**

**First Cause Of Action: Money Had And Received**

15. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 15 and can neither admit nor deny such allegations.

16. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 16 and can neither admit nor deny such allegations.

**Second Cause Of Action: Unjust Enrichment**

17. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 17 and can neither admit nor deny such allegations.

18. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 18 and can neither admit nor deny such allegations.

**Third Cause Of Action: Restitution**

19. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 19 and can neither admit nor deny such allegations.

20. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 20 and can neither admit nor deny such allegations.

**Fourth Cause Of Action: Texas Theft Liability Act**

21. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 21 and can neither admit nor deny such allegations.

22. Defendant denies the allegations of paragraph 22.

**Fifth Cause Of Action: Attorney's Fees**

23. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 21 and can neither admit nor deny such allegations.

24. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 22 and can neither admit nor deny such allegations.

**Miscellaneous**

25. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 23 and can neither admit nor deny such allegations.

**Demand for Jury Trial**

26. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Defendant respectfully demands a trial by jury of this action.

**Request For Relief**

27. **Prayer.** Uselton respectfully requests the following relief:

- (a) That Defendant recover her attorney's fees, court costs, and expenses (including but not limited to, expert witness fees and expenses) incurred through the trial of this cause and any appeal.
- (b) That Defendant have all such other and further relief, both general and special, at law and in equity, to which she may show herself justly entitled.

Respectfully submitted,

MONTE J. WHITE & ASSOCIATES, P.C.

By: /s/ Monte J. White  
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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT ON SEPTEMBER 25, 2015, I ELECTRONICALLY FILED THE FOREGOING DOCUMENT WITH THE CLERK OF THE COURT FOR THE U.S. DISTRICT COURT, NORTHERN DISTRICT OF TEXAS, USING THE ELECTRONIC CASE FILING SYSTEM OF THE COURT. THE ELECTRONIC CASE FILING SYSTEM SENT A "NOTICE OF ELECTRONIC FILING" TO THE FOLLOWING ATTORNEYS OF RECORD WHO HAVE CONSENTED IN WRITING TO ACCEPT THIS NOTICE AS SERVICE OF THIS DOCUMENT BY ELECTRONIC MEANS:

ANDREW C. WHITAKER

/s/Monte J. White  
**MONTE J. WHITE**